Supreme Court, U.S.
FILED
99 85 JUL 1 2 1999
OFFICE OF THE CLERK

No._____

In The

# Supreme Court of the United States

ROBERT WILSON

Petitioner,

v.

DISTRICT JUDGE WILLIAM T. HART

Respondent.

**ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH DISTRICT**

## PETITION FOR WRIT OF CERTIORARI

ROBERT WILSON
15630 S. LOOMIS STREET
HARVEY, IL 60426
(708) 339-0092

32pp

## QUESTIONS PRESENTED

1. Whether the courts had jurisdiction to render a judgement upon petitioner when there is no claim filed?

2. Whether the U.S. State's Attorney's response to the order to respond to petitioner's motion for a copy of the alleged claim, sufficient to reverse the June 25, 1992 order?

3. Whether the 1992 Order of Dismissal violates petitioner's Basic Right Guarantee under the Bill of Rights to the 14th Amendment?

4. Whether petitioner can rely upon the guarantee of Equal Justice to All?

## PARTIES TO THE CASE

District Judge William T. Hart

Circuit Judge Richard D. Cudahy

Circuit Judge Joel M. Flaum

Circuit Judge Michael S. Kanne

Circuit Judge Daniel A. Manion

Circuit Judge Richard A. Posner

Circuit Judge Kenneth F. Ripple

Frederick J. Sudekum and Albeart DeVito
30 W. Monroe St., Chicago, IL 60603

Querry & Harrow Ltd.
180 N. Stetson Blvd., Chicago, IL 60601

T. David Ackerman

Michael Resis

Mr. Richard T. Corrigan:
Unserved with summons, exonerated

Gary Ravitz
Unserved with summons, exonerated

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| "A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority; rather, he will be subject to liability only when he has acted in the "clear absence of all jurisdiction.'" id. at 356-7, citing Bradley v. Fisher, 80 U.S. 335, 351 (1872). | |

## IN THE
## SUPREME COURT OF THE UNITED STATES

### JURISDICTIONAL STATEMENT

This court's jurisdiction is invoked under Title 28 U.S.C. 1331 and Title 28 U.S.C. Section 1254 (1) Amendment 14 to the U.S. Constitution, which guarantees the Plaintiff due process, as well as equal protection under the law. Jurisdiction is also invoked on the basis that Plaintiff has followed the procedures to reach this court.

Last, but not least, this is a Federal complaint.

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### MOTIONS BELOW

The District Judge denied petitioner's motion on March 19, 1999. A timely appeal was filed on April 19, 1999.

The Circuit Court of Appeals order to show cause why the appeal should not be dismissed and on May 19, 1999 the Circuit Court dismissed petitioner motion.

## STATEMENT OF FACTS

This matter is before the court on the basis of the District Judge Rudy Lozano's denial of consideration of a ruling on petitioner's three motions. A timely appeal was filed with the Seventh Circuit Court of Appeals who also refused consideration of a ruling.

Petitioner is now before this court in request of the same. Without consideration, petitioner is unable to defend his meritorious actions. The denied motions go directly to the credibility of the District Judge William T. Hart's Order of Dismissal on June 25, 1992. For whatever reason or profit, Judge Hart wrongfully stated twice in his order that plaintiff filed a claim with State Farm Insurance Company. You will read that State Farm disagrees with Judge Hart. Secondly, the order states: State Farm now moves to dismiss. State Farm has acknowledged, unequivocally, seven years ago that they are not a defendant in this case. Petitioner dilemma is that, while the president and vice president of State Farm agree that petitioner insurance policy was valid at the time of loss, the courts have said by their ruling that State Farm does not have to honor the loss. However, if the court says that we must honor the claim, we will. Petitioner continues to say that he was deprived of his right to file a claim with his insurer, State Farm Fire and Casualty Co. But today, we have a new opinion which came from a reliable branch of the judicial system: the Hon. U. S. Att. Tom Walsh, who, for your convenience, explained it in three ways that: no claim was tendered during the 1992 litigations. Petitioner is asking at the onset, whether the U.S. Att. Tom Walsh's findings are sufficient to reverse the June 25, 1992 judgement.

## REASON FOR GRANTING THIS MOTION

We know upon the first review of this matter that the Circuit Court of Appeals were aware that no claim is in support of this judgement by its absence in the Clerk's file. Nevertheless, they have repeatedly demonstrated that they are not going to upset a decades worth of judicial relations with their colleague, Judge Hart, on behalf of petitioner's right to file a claim with his former insurer, State Farm Fire and Casualty Co. In such a position, petitioner would likely do the same for reasons that this issue is best resolved by the chief court in order to spare the daily atmosphere of conducting judicial business. In their honor of relationship to Judge Hart rather to their oath of office leave no room for argument that they caused petitioner unearned suffering in which each defendant judge should be required to be accountable for their actions no differently than we require of our president of these United States. The point is, while the defendant Judges have forsaken their oath of office, they never guaranteed petitioner Equal Justice to All; nor did they give the petitioner a 14th amendment protection right but rather this court. There are those who misinterpret petitioner's longevity of action. It can easily be defined: It is this honorable court's guarantee that like anyone who pays his insurance premiums has a right to file a claim. State Farm is aware of their obligation, and prepared to meet it; but is making good use of the lack of honor in the courts. If this court fails to correct this matter, then where does petitioner go for justice, when justice is denied in my own homeland? If this court sends a signal to the reviewing court condoning this kind of behavior, coupled with the State's Attorney's Office prosecuting the innocent petitioner and defending guilty defendant judges, the country is witnessing the finish line of a supposedly great country. Petitioner, like the trier of facts, has a right to file a claim with his insurer.

## BACKGROUND

The Seventh Circuit summarized the history of this case in Wilson v. State Farm Fire and Cas. Co., No. 94-2646 (7th Cir. Sept. 13, 1995) (unpublished order):

Wilson's suit stems from his claim that he was denied payment by State Farm for damage to his property in 1983. State Farm denied the claim because no policy was in effect at the time of the damage. Wilson first turned to the state court, but his action was dismissed because he failed to bring it within one year of the date of the loss. The decision was affirmed by the Illinois Appellate Court. The Illinois Supreme Court denied a petition for leave to appeal. Wilson ultimately requested review from the Supreme Court of the United States but was denied certiorari. Thereafter Wilson brought suit in federal court in 1992 and we affirmed the district court's dismissal. [Wilson v. State Farm Fire & Cas. Co., No. 92-2977 (7th Cir. Sept. 30, 1992) (unpublished order). ]

In 1994, Wilson argued to a federal district court that it should vacate its judgment and that he was entitled to representation by counsel. The district court, construing Wilson's request as one under Federal Rule of Civil Procedure 60 (b) (2), denied Wilson's motion as untimely, and alternatively, insufficient. The Seventh Circuit affirmed the district court decision, and the Supreme Court of the United States denied certiorari. Wilson, No. 94-2646 (unpublished order), cert. denied, 116 S. Ct. 183 (1996) (unpublished order).

Wilson then filed the instant complaint, naming, among others, the judges of the district court and the Seventh Circuit who decided his case. The complaint alleges due process and equal

protection violations. Specifically, it mentions breach of judicial oath, conduct unbecoming a federal judge, abuse of power, disgrace of the federal judicial system, and disregard of Wilson's filing fee for a legal ruling.

## ORDER

On June 27, 1983, plaintiff Robert Wilson experienced damage and vandalism loss of property. Plaintiff filed an insurance claim with defendant State Farm Fire and Casualty Company ("State Farm"). State Farm investigated plaintiff's claim and denied payment on the basis that State Farm did not insure the property at the time of loss. Almost four years after the loss occurred, on March 3, 1987, plaintiff filed a six-count complaint in the Circuit Court of Cook County, Illinois against State Farm. Plaintiff's suit was dismissed with prejudice in a final order of the circuit court on the basis that plaintiff had failed to file his action within one year from the date of loss in compliance with policy conditions. Wilson v. State Farm Fire Cas., No. 87 CH 2006 (Cir. Ct. Nov. 16, 1988), aff'd, No. 1-89-0287 (1st Dist. May 23, 1990). The Illinois Supreme Court denied plaintiff's petition for leave to appeal, Wilson v. State Farm Fire & Cas., No. 71136 (Feb. 6, 1991), and the Supreme Court of the United States denied plaintiff's petition for certiorari. Wilson v. State Farm Fire & Cas., No. 91-123 (Oct. 7, 1991).

On March 12, 1992, plaintiff filed this suit alleging violation of his constitutional right to due process and equal protection pursuant to the Fourteenth Amendment. "State Farm now moves to dismiss". Plaintiff complains that he was denied due process of law and equal protection because the circuit court barred him from filing a claim. However, plaintiff was barred by the legally applicable policy condition, not by the circuit court. See Wilson v. State Farm Fire & Cas., No. 1-89-0287 (1st Dist. May 23, 1990). Plaintiff has not set forth any valid constitutional claim for denial of due process or equal protection. He filed a claim; State Farm denied it; he sued and appealed that denial in state court; and he filed this lawsuit. The state court proceedings, including the

appellate court opinion affirming the dismissal of plaintiff's case, afforded plaintiff due process and equal protection of the laws.

IT IS THEREFORE ORDERED that the motion of defendant State Farm Fire and Casualty Company to dismiss plaintiff's complaint is granted. The Clerk of the Court is directed to enter judgment against plaintiff Robert Wilson and in favor of defendant State Farm Fire a 1 Casualty Company dismissing this case with prejudice and awarding costs to defendant.

ENTER:

/s/_____
William T. Hart
United States District Judge

Dated: June 25, 1992

**UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF ILLINOIS**

Office of the Clerk

H. Stuart Cunningham
Clerk

Robert Wilson
15630 South Loomis
Harvey, IL 60426

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| | |
|---|---|
| Case Number: | 1:92-cv-01770 |
| Title: | Wilson v. St. Farm Fire |
| Assigned Judge: | Honorable William T. Hart |

MINUTE ORDER of 9/2/92 by Hon. William T. Hart: Plaintiff's motion for an order re: directing the appellee to furnish the appellant a copy of alleged claim is denied without prejudice. [27-1] Mailed notice

This order was entered on the docket by the Clerk September 3, 1992

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure. It was generated by the automated docketing system being introduced to handle the civil dockets of this district. If a minute order or other document is enclosed, please refer to it for additional information.

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE NORTHERN DISTRICT OF ILLINOIS**
**EASTERN DIVISION**

| | | |
|---|---|---|
| **ROBERT WILSON, pro se,** | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | |
| vs. | ) | No. 98 C 296 |
| | ) | |
| **JUDGE WILLIAM T. HART, et al.,** | ) | |
| | ) | |
| Defendants. | ) | |

**ORDER**

This matter is before the Court on Plaintiff's Motion for Written Deposition of the Defendants and Motion for an Order Upon the Defendants to Provide the Plaintiff With a Copy of the Claim in Which They Support, Plus a Motion for a Brief Statement of the Defendants Jurisdiction in This Case, filed on April 13, 1998. Soon after Plaintiff filed these motions, he filed a Motion for Appointment of Counsel. The Court granted his request, and until January 7, 1999, Wilson was represented by various counsel. the Court will not consider pro se motions if counsel is involved. Because Plaintiff now proceeds pro se, the Court will consider these three motions.

First, Plaintiff requests a written deposition of the Defendants. Based on Plaintiff's motion, the Court assumes that "the Defendants" includes only the Defendants listed in the caption of the motion, those being the federal district and circuit court judges named in this case. In prior proceedings, each of these federal judges ruled against Plaintiff. It is evident that the proposed depositions would focus on the judges' rulings in those

prior proceedings.

In *Matter of Cook*, the Seventh Circuit noted that a federal judge properly declined a subpoena requiring her to submit to cross-examination about the proceedings in her Court and the rationale for her findings. 49 F.3d 263, 264 (7th Cir. 1995). "[F]ederal judges speak through their opinions[;] . . . their mental processes are not subject to examination." Id. at 264-65 (citing Fayerweather v. Ritch, 195 U.S. 276, 306-07 (1904) (finding that a trial judge was incompetent to testify about the basis of his earlier decision for the purpose of determining whether the issue was actually litigated and therefore barred by the doctrine of *res judicata*)). Judges have not been allowed to testify regarding their mental processes for several reasons, "including unfair prejudice to the opposing party, the difficulty inherent in accurately re-creating a mental process, the appearance of impropriety generated by a testifying judge and the solemnity of the record of a decision." *Georgou v. Fritzshall*, No. 93 C 997, 1995 WL 248002, *3-*4 (N.D. Ill. April 26, 1995). *See Fayerweather*, 195 U.S. AT 306. Therefore, the Court DENIES Plaintiff's motion for depositions.

Second, Plaintiff requests that Defendant Judge Hart provide him with a copy of an insurance claim that was discussed in an order written by Judge Hart. According to Plaintiff, Judge Hart's order indicated that Plaintiff had filed a claim, which was denied by Plaintiff's insurance company. Plaintiff insists that he never filed such claim, and demands that Judge Hart produce this claim. The Court now ORDERS Judge Hart to file a brief responding to Plaintiff's motion.

Third, Plaintiff filed a confusing motion for an order upon the Defendants to file a brief jurisdiction statement. The Court is

unable to understand Plaintiff's motion, or to surmise the purpose of this motion. Consequently, the Court now DENIES the motion for the jurisdiction statement.

CONCLUSION

For the reasons set forth above, the Court DENIES Plaintiff's motion for written deposition, and Plaintiff's motion for a brief statement of Defendants' jurisdiction. The Court ORDERS Defendant Judge Hart to respond to Plaintiff's motion for a copy of the claim.

ENTER: 3/23/99

/s/_____

RUDY LOZANO, Judge
United States District Court

**UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF ILLINOIS**
**EASTERN DIVISION**

| | | |
|---|---|---|
| **ROBERT WILSON,** | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | |
| vs. | ) | No. 98 C 296 |
| | ) | |
| **DISTRICT JUDGE** | ) | |
| **WILLIAM T. HART, et al.,** | ) | |
| Defendants. | ) | |

## DEFENDANT JUDGE HART'S RESPONSE TO PLAINTIFF'S MOTION FOR A COPY OF A CERTAIN CLAIM

### Introduction

Robert Wilson is suing several federal judges for money damages because they ruled against him in one way or another in a long-running dispute over insurance coverage. As part of this effort, Wilson is now attempting to show that one of the defendants (Judge Hart) made an erroneous factual statement regarding an insurance claim in a 1992 order dismissing one of Wilson's cases. [1]

Wilson insists that he never filed a claim with the insurance company and to prove his point (whatever it is), he filed a motion "a year ago" asking that Judge Hart be compelled to produce the supposedly non-existent claim. This court has ordered Judge Hart to respond to Wilson's motion.

## Discussion

Wilson's motion should be denied for a variety of reasons, most already raised in defendant judges' various memoranda[2] that have urged this court to summarily dismiss this frivolous case:

1. This court lacks subject matter jurisdiction, an issue that should be resolved before all others and certainly before any discovery is permitted. As previous memoranda have argued, both absolute judicial immunity and the *Rooker-Feldman* doctrine deprive this court of jurisdiction. In addition, this suit is long-since barred by the statute of limitations.

2. Discovery is especially inappropriate in *Bivens* cases such as this where immunity protects defendants not only from judgments, but from aspects of litigation such as unwarranted discovery that can be peculiarly disruptive of effective government.

3. As this court noted in the order requiring Judge Hart to respond, even when they are not defendants, judges are not subject to discovery concerning the rationale for their decisions. This principle bars Wilson from seeking discovery from Judge Hart (in the form of a document production request) designed however illogically to undermine the rational for Judge Hart's 1992 decision.

However, rather than unnecessarily prolong this matter, Judge Hart simply states that his chambers have no documents (including claims) "TENDERED" during the 1992 litigation apart from what is found in the public court file.

## Conclusion

This court should deny Wilson's motion (if for no other reason, than Judge Hart does not have what Wilson requests) and summarily dismiss Wilson's frivolous suit.

Respectfully submitted,
SCOTT R. LASSAR
Assistant United States Attorney

by:
/s/_____
THOMAS P. WALSH
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-5312

[1] See June 25, 1992, dismissal order in *Wilson v. State Farm Fire and Cas. Co.*, No. 92 C 1770 (N. D. Ill.) (Hart, J.), *aff'd*, No. 92-2977 (7th Cir September 30, 1992), *cert. denied*, 507 U.S. 913 (1993) (attached to plaintiff's complaint).

[2] See Response of Judge Hart to Plaintiff's Motion for Judgment by Default (April 20, 1998); Defendants' Motion to Dismiss (June 17, 1998); Defendant's Response to the Second Motion for Relief from Appointment (August 27, 1998); and Defendants' Response to the Third Motion for Relief from Appointment (December 8, 1998).

**Affidavit of Mailing**

**STATE OF ILLINOIS** )
) **SS**
**COUNTY OF COOK** )

MARY ANNE MARTIN being first duly sworn on oath deposes and says that she is employed in the Office of the United States Attorney for the Northern District of Illinois; that on the 23rd day of April 1999, she placed a copy of DEFENDANT JUDGE HART'S RESPONSE TO PLAINTIFF'S MOTION FOR A COPY OF A CERTAIN CLAIM PLAN in a postage prepaid envelope addressed to each of the following named individuals and caused each envelope to be deposited in the United States mail chute located in the Everett McKinley Dirksen Building, Chicago, Illinois on said date at the hour of 5:00 p.m.

Robert Wilson
15630 Loomis Street
Harvey, Illinois 60426

Dennis Marks
Querrey & Harrow
Two Prudential Plaza
10 North Stetson
Suite 3500
Chicago, Illinois 60601

Frederick Sudekum
Sudekum, Rosennberg & Cassidy
30 West Monroe Street
Suite 1450
Chicago, Illinois 60603

/s/_____
MARY ANNE MARTIN
SUBSCRIBED AND SWORN TO
before me this 23rd day of April, 1999
/s/_____
CYNTHIA A. MEINKE, Notary

Public

My Commission

Expires_____

**UNITED STATES COURT OF APPEALS**
**FOR THE SEVENTH CIRCUIT**
**CHICAGO, ILLINOIS 60604**

**April 16, 1999**

| | | |
|---|---|---|
| **By the Court** | | |
| **ROBERT WILSON,** | ) | Appeal from the United |
| Plaintiff-Appellant, | ) | States District Court for |
| | ) | the Northern District of |
| No. 99-1864 v. | ) | Illinois, Eastern Division |
| | ) | |
| **DISTRICT JUDGE** | ) | |
| **WILLIAM T. HART,** | ) | |
| **DISTRICT JUDGE** | ) | No. 98 C 296 |
| **BRIAN BARNETT DUFF,** | ) | |
| **FREDERICK J.** | ) | |
| **SUDEKUM, III, et al.,** | ) | |
| Defendants-Appellees | ) | Rudy Lozano, Judge |

## ORDER

A preliminary review of the short record indicates that the order appealed from may not be a final appealable judgment within the meaning of 28 U.S.C. § 1291.

Generally, an appeal may not be taken in a civil case until a final judgment disposing of all claims against all parties is entered on the district court's civil docket pursuant to Fed. R. Civ. P. 58. See Cleaver v. Elias, 852 F.2d 266 (7th Cir. 1988).

The district court has not entered a Rule 58 judgment in the case at hand. Plaintiff's case continues in the district court. Therefore, it appears that this appeal is premature. Accordingly,

IT IS ORDERED that both plaintiff-appellant and defendants-apellees shall file, on or before May 3, 1999, a brief memorandum stating why this appeal should not be dismissed for lack of jurisdiction. A motion for voluntary dismissal pursuant to Fed. R. App. P. 42 (b) will satisfy this requirement. Briefing shall be suspended pending further court order.

NOTE: Caption document "JURISDICTIONAL MEMORANDUM." The filing of a Circuit Rule 3 (c) Docketing Statement does not satisfy your obligation under this order

**UNITED STATES COURT OF APPEALS**
**FOR THE SEVENTH CIRCUIT**
**CHICAGO, ILLINOIS 60604**

**May 19, 1999**

***Before***

**Hon. John L. Coffey, Circuit Judge**
**Hon. Frank H. Easterbrook, Circuit Judge**
**Hon. Ilana Diamond Rovner, Circuit Judge**

| | | |
|---|---|---|
| **ROBERT WILSON,** | ) | Appeal from the United |
| Plaintiff-Appellant, | ) | States District Court for |
| | ) | the Northern District of |
| No. 99-1864 v. | ) | Illinois, Eastern Division |
| | ) | |
| **DISTRICT JUDGE** | ) | |
| **WILLIAM T. HART,** | ) | |
| **DISTRICT JUDGE** | ) | No. 98 C 296 |
| **BRIAN BARNETT DUFF,** | ) | |
| **FREDERICK J.** | ) | |
| **SUDEKUM, III, et al.,** | ) | |
| Defendants-Appellees | ) | Rudy Lozano, Judge |

**ORDER**

On consideration of the jurisdictional papers filed by the parties and review of the short record,

IT IS ORDERED that this appeal is DISMISSED for lack of jurisdiction.

Generally, an appeal may not be taken in a civil case until a final judgment disposing of all claims against all parties is entered on the district court's civil docket pursuant to Fed. R. App. P. 58. See Cleaver v. Elias, 852 F. 2d 266 (7th Cir. 1988).

The district court has not entered a Rule 58 judgment in the case at hand. Plaintiff's case continues in the district court. This appeal is premature.

**UNITED STATES COURT OF APPEALS**
**FOR THE SEVENTH CIRCUIT**

| | | |
|---|---|---|
| **ROBERT WILSON, PRO SE,** | ) | Appeal from the United |
| Plaintiff | ) | States District Court for |
| | ) | the Northern District of |
| v. | ) | Illinois, Eastern Division |
| | ) | |
| **DISTRICT JUDGE** | ) | |
| **WILLIAM T. HART, ET AL** | ) | |
| Defendants | ) | No. 98 C 296 |
| | ) | |
| | ) | |

**RESPOND TO ORDER OF 4/16/99**

The plaintiff Robert Wilson, proceeding pro se, and respectfully respond to the ORDER of April 16, 1999. There is a possibility that plaintiff proceeding may have misled the court. Plaintiff desire is to put his three motions before this honorable court for consideration of a ruling on his three motions which was denied twice my Judge Lazano.

Without that consideration plaintiff is unable to obey the two orders upon him. On June 26, 1992, district Judge Hart ORDERED plaintiff to pay cost of court to State Farm who has refused payment and, acknowledged that they are not a defendant in this case. One of the motions before Judge Lozano is a request to know the defendant in this case in order to pay the cost of court. Judge Lozano too, ORDERED plaintiff to respond to the third motion to dismiss filed by Att. Frederick J. Sudekum, a defendant in this case. Plaintiff dilemma is that this is not possible for reasons that plaintiff defense, in its entirety relies upon a

ruling on his three motions. Plaintiff is not appealing his case in its entirety, only requesting consideration of a ruling to allow plaintiff to defend his case. These motions are so relevant until it resolves this conflict without Judge Lozano's ruling. Moreover, it speaks for itself. Plaintiff will establish that this court have proper jurisdiction. Equally as important than that, there is an issue in this case which raise the question as to whether "this court" can consider any response except that of the plaintiff. Without expansion succinctly, this court with good intentions could inadvertently step outside of its jurisdiction.

Understand at the outset please, that this insurance loss arose out of the conduct of a tenant of the building, who seriously damaged the property. Plaintiff filed a complaint and, in court he pled GUILTY and was fined and sentence to a period of EIGHTEEN MONTHS. A misunderstanding developed between plaintiff and the claim's superintendent, Mr. Richard T. corrigan regarding the time it was taking to rescue the other tenants of the building who were then homeless. He was a man of power and didn't appreciate plaintiff questioning him and cut off all communication. And on bad advice by a State Farm adjuster I called his boss and complained. Mr. Corrigan retaliated by refusing to allow plaintiff to file a claim for the loss. Ordered plaintiff to submit to an examination under oath which lasted four years and, denied plaintiff without ever allowing a claim to be filed against State Farm. Without that claim this court may not have jurisdiction to consider anything other than plaintiff response. It survived in both courts, State and Federal; twice in this court. Further proof: Plaintiff presented the same documents to the central office of State Farm in Bloomington Illinois and, complained to the President and Vice President of being denied the right to file a claim on an effective insurance policy. They investigated the

complaint and, three days later they terminated the claim's superintendent for refusing to allow me the right to file a claim with them. Also, they terminated Att. Albert DeVito and Att. Frederick J. Sudekum for representing this case in the courts to please Mr. Corrigan. Not to mention that the law firm of Querry and Harrow terminated two of their attorneys for representing this case without a claim filed. The President contends that in spite of that, the courts have ruled favorable to them. However, if the court says that we must honor the claim, we will.

Plaintiff questioned whether he was being cheated. They claimed that we are not cheating you, the court ruled favorable to them. Plaintiff asked to raise one final question: How can the courts dismiss a claim when you have acknowledged that none exist? The response was that your question is "misdirected". for an answer to the question, plaintiff filed Civil Rights violations against all persons having participated in this case in December of 1998. The motion before Judge Lozano raises the question as to whether the courts had jurisdiction to render a judgement upon plaintiff when there is no claim filed and motion for a brief statement of the defendants judges jurisdiction to support their judgement. Recognizing the claim's superintendent refusal to furnish plaintiff with a sworn statement in proof of loss form to transform State Farm into a defendant in the meaning of law, how then can this court consider a second response when only plaintiff is in the authority of the court? The defendants took matters into their own hands and, by their own conduct, "bypassed" this court's authority. Mindful that in both courts, State and Federal, ONLY Judge Hart accused plaintiff of filing a claim. There is questionable conduct here and, evidence of impropriety.

What did Att. Sudekum give Judge Hart to lie "twice" in

his order? If there is no claim in the file we must concede that he lied to defeat his plaintiff. You may delay plaintiff rights but that doesn't change the attached appellate opinions; the insurance policy requirement that plaintiff file a sworn statement, nor does it change the legislative intent and the statute governing this case. Plaintiff believes that once Judge Lozano denied these motions, they immediately became reviewable. The attorney that filed this case, Att. William P. Ward withdrew and returned the fee of $1,300.00. He didn't want any part of what was asked of him. The second Att. Gary Ravitz sold plaintiff out. To this day no attorney has been willing to represent your plaintiff. Wherefore, to deny plaintiff consideration of a ruling to defend his actions would surely give rise to State Farm's belief: That this court doesn't have the honor or, integrity to correct this injustice.

Respectfully submitted
Robert Wilson, pro se

**PLAINTIFF UNDER OATH WHEN ASKED:**

Q: Do you have a letter making the claim?

A: No, I didn't make no claim. I called the insurance adjuster, and they sent (Walter) Churan out.

* * * *

Q: Okay. So you first made claim in November or December of '83; am I understanding this correctly? Your claim was denied - I think we went through this before. *Your claim was denied on January 5, 1984?*

A: *Right.*

Q: *And that was for the June 27th, 1983 loss?*

A: *Correct.* (R.C220).

* * * *

Q: So actually you are making – just so I understand it – this proof, marked as exhibit 15, you prepared it?

A: Yes, sir (R.C222).

Q: And you signed it?

A: Yes, sir.

Q: Did anybody assist you in it?

A: No

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**

| | | |
|---|---|---|
| **ROBERT WILSON,** Plaintiff | ) | |
| v. | ) | No. 87 Ch. 2006 |
| **STATE FARM FIRE & CASUALTY COMPANY** Defendant | ) | |

## NOTICE OF MOTION

To: QUERRY & HARROW & KENNEDY
135 S. LaSalle St.
Chicago, IL 60426

On June 21, 1988, at 10 a.m. or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Siegan or any judge sitting in his stead, in the courtroom usually occupied by him in Richard J. Daley Center, Chicago, Illinois, and Then and there request that an order be issued directing the defendant to submit a proof of loss to the plaintiff as required by the policy.

| | | |
|---|---|---|
| Name: | Robert Wilson | Attorney for: |
| Address: | 15630 S. Loomis | City |
| | Harvey, IL 60426 | Atty No. |
| Telephone: | (708) 333-6428 | |

PROOF OF SERVICE BY DELIVERY

I, Robert Wilson, (a non-attorney, on oath state), on May 19th, 1988, I served this notice by delivery a copy personally to each person to whom it is directed: Querry, Harrow, Gulantic
135 S. LaSalle Street, Chicago, Illinois

## ARGUMENT

Let's begin with the understanding that your petitioner is not an attorney and dose not proceed as an attorney. Would you believe over 100 attorneys plus the three appointed by the court refuse to represent your petitioner on the direct basis of judicial misconduct; even though petitioner is able to pay for the service. On 4-16-99, while the petitioner's motions were pending in the District Court, on 4/27/99 Judge Lozano exonerated all of the defendants. Two of them were never summoned, nor did they file their appearance. Nevertheless, they were exonerated. Not only that, when petitioner attempted to file a notice of appeal with the District Circuit, the Clerk refused the appeal on the basis that Judge Lozano has an order in the computer that no document is to be excepted by petitioner until it has been approved by him. The judicial system has failed petitioner miserably. Where does the plaintiff go for justice? The courthouse doors are closed to the petitioner even though a District Judge Ruling is reviewable.

Wherefore, petitioner prays that this honorable court will intervene and exert it's power on behalf of the petitioner's 14th amendment, basic rights and reverse the June 25, 1992 order, and awarded damages to petitioner and speak out regarding the closing of the doors to the court's to prevent petitioner from exercising his right to appeal Judge Lozano's 4/27/99 dismissal.

Respectfully submitted,

Robert Wilson

**IN THE UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF ILLINOIS**
**EASTERN DIVISION**

| | | |
|---|---|---|
| **ROBERT WILSON,** Plaintiff | ) | |
| v. | ) | 92 C 1770 |
| **STATE FARM FIRE AND CASUALTY CO.,** Defendant | ) | Chicago, Illinois June 25, 1992 9:30 a.m. |

**TRANSCRIPT OF PROCEEDINGS**
**BEFORE THE HONORABLE**
**WILLIAM T. HART**

**APPEARANCES:**

For the plaintiff: ROBERT WILSON, Pro se

For the defendant: RICK SUDEKUM

THE CLERK: 92 C 1770, Robert Wilson v. State Farm Fire and Casualty Company, for ruling.

THE COURT: Good morning

MR. SUDEKUM: Good morning, your Honor. Rick Sudekum for the defendant.

MR. WILSON: Good morning, your Honor. Robert Wilson, plaintiff.

THE COURT: I am going to file an order and a memorandum opinion today in which I grant the

motion to dismiss.

THE COURT: Are you appearing here without an attorney Mr. Wilson?

MR. WILSON: Yes, I am, your Honor

THE COURT: All right, then I am going to advise you that you have 30 days in which to appeal this order to the United States Court of appeals for the 7th Circuit by filing a notice of appeal with the clerk of this court. We will include that admonition as well in the minute order we issue today.

I also want to tell you, Mr. Wilson, that if the Court of Appeals thinks your appeal is frivolous, they may impose sanctions. Now, you had better take a careful look at my order and abide accordingly.

All right, Mr. Clerk, you may distribute copies to Mr. Wilson and to counsel.

Thank you.

MR. SUDEKUM: Thank you, your Honor.

## CERTIFICATE

I certify that the foregoing is a correct transcript of the record of proceedings in this case on June 25, 1992.

/s/_____
RAYMOND FOMLAN
Official Court Reporter
8/17/92